

60130-1669  
02MRA0574**REMARKS**

Applicant has amended the specification to correct several minor informalities. None of these amendments are responsive to any objection or rejection. Claim 2 has been amended to comply with the requirements of 35 U.S.C. § 112. Claims 1-5 and 9-12 were rejected and claims 6-8, 13 and 14 were allowed.

Claims 1, 4 and 5 were rejected as being anticipated by Fry (US 4,223,910). Claim 1 requires a torque plate fixed to each of a first and second segment along a portion of the axle housing mounted at least partially between said first and second plates.

Fry discloses first and second links (15) disposed on opposite sides of an axle beam (10) each supported by a separate triangulating arm (16). The office action reads arms (16) as a torque plate and links (15) as first and second plates. However, claim 1 requires that torque plate be attached to "a portion of the axle housing mounted between the first and second plates." In Fry, the arms (16) are outboard of the links (15), not between the first and second plates as is required by claim 1. Further, the arm (16) is not attached to a portion of the axle housing between the first and second plates. The only part between the links (15) in Fry is the axle beam (10). As is shown in Figure 1 referred to in the office action, the arms (16) are not attached to the axle beam (10). For this reason Fry cannot meet the limitations of claim 1. Accordingly, Applicant requests withdrawal of this rejection.

Claims 2, 3 and 9 were rejected as being obvious over Fry modified in view of Pringle (U.S. 4,065,153). Claim 2 requires an opening for a brake assembly, and claim 9 requires a brake assembly mounted to each torque plate. Fry does not disclose a brake assembly, and the office action stated that Figure 2 of Pringle disclosed an unlabelled brake assembly. Pringle does not identify a brake assembly and none is visible in Figure 2. Accordingly, all the claim limitations of claims 2 and 9 cannot be shown or suggested. Applicant requests withdrawal of this rejection.

Claim 10, 11 and 12 were rejected as being obvious over Fry modified in view of Pringle. Claim 10 requires forming a housing having a first plate spaced apart from a second plate to define an opening between first and second segments and at least a partially open bottom, welding of a torque plate to first and second plates over open end segments, and mounting of a brake assembly.

Pringle and Fry do not disclose or suggest a brake assembly. Further, the office action asserts that arms (16) read on torque plate and that welding would be obvious to a worker skilled

60130-1669  
02MRA0574

in the art. Even accepting the office action reading of arms (16) on the torque plate, the proposed modification does not disclose or suggest any structure that meet the requirement of welding the torque plate transverse to first and second plates over open segments. Fry and Pringle do not disclose or suggest forming open segments, and the office action does not identify any elements or structure that would meet these limitations. Accordingly, Fry and Pringle fail to disclose or suggest the limitations of claim 10. For these reasons, Applicant requests withdrawal of this rejection.

Claims 15-19 were allowed. Claims 6-8, 13 and 14 were objected to as being dependent on a rejected base claim. As the rejections to independent claims 1 and 10 are believed overcome, Applicant has not amended claims 6-8, 13 and 14 at this time.

All objections and rejections having been overcome, this application is now in condition for allowance, and Applicant request such action. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.



John M. Siragusa

Registration No. 46,174

400 West Maple Road, Suite 350

Birmingham, Michigan 48009

Telephone: (248) 988-8360

Facsimile: (248) 988-8363

Dated: January 12, 2005